

REMARKS

Applicant thanks the Examiner for entering and considering amendments to claims, abstract and the specification made on October 27, 2005.

Claims 1, 2, 13, 14, 20, 21 and 26 to 33 are currently active in the application. Claims 3-12, 15-19, 22 to 25 are withdrawn from the consideration as related to non-elected species. However, the Applicant still respectfully disagrees with the argument in regard of a restriction requirement provided by the Examiner. Specifically, as the Examiner highlights on page 2, paragraph 3 of the Office Action, he distinguishes between “an information providing system using a server and providing information to customers using the same or different transfer path and one information receiving terminal” (Claims 1, 2, 13, 14, 20 and 21) and “an information providing system using a server and providing information to customers using two different transfer paths and two different information receiving terminal” (Claims 3-12, 15-19, and 22-25). Applicant disagrees with the Examiner’s interpretation of claim language “at least one information terminal” as only information terminal. The claim language “at least one” does not mean “one”, it means “one or more”. Additionally, it should be understood that every information receiving terminal is associated with a customer and the number of those according to the claim language is not limited to one. As shown in Figure 1 of the present application, the number of user terminals is unlimited and not precisely defined by the claimed invention. However, in claim 3 the Applicant intends to show how several users are connected by the claimed system based on the example of two users or two information receiving terminals. By making the restriction, the Examiner wrongly interprets the claim language, initially views the claimed invention in the very narrow aspect and undermines novel features presented by the claimed invention. As it was emphasized previously, the essence of the claimed invention is based on a plurality of customers and their communications (a plurality of information receiving terminals) and all claims, specification and illustrations are clearly directed to one or more information receiving terminals. The Applicant respectfully requests that the Examiner

withdraw the restriction requirement as based on misunderstanding and misinterpreting of the claim language. In the alternative the Applicant requests that the restriction requirement be made final to allow the Applicant to Petition the Commissioner.

By the present amendment claims 1, 2, 13-14, 20 and 21 have been amended to more clearly describe the present invention. The support for the present amendment can be found in at least Figure 1 and pages 26 to 28 of the specification. Additionally, claims 26 to 33, dependent from the amended claim 2 have been added for the Examiner's consideration. The Examiner is respectfully requested to reconsider the application in view of the above amendments and further remarks.

Claims 1, 13 and 20 have been rejected under 35 U.S.C. §112, for reciting "at least one of first information". Specifically, the Examiner finds that this citation does not have sufficient antecedent basis in the claim. The Examiner states on page 2, paragraph 4 of the Office Action that the recitation "at least one of first information" in claims 1, 13 and 20 does not have "sufficient antecedent basis since the composition of the first information was not previously recited". Applicant respectfully disagrees with this statement and points out to the Examiner that a lack of antecedent in the claim can be constituted if a claimed element, identified by a definite article "the" or with the word "said", has not been previously recited in the claim. However, the phrase "at least one of first information" does not have any indication of definiteness and therefore does not require any previous recitation. Nevertheless, in order to expedite the prosecution of the case, the phrase "at least one of" is deleted by this amendment.

Claims 1, 2, 13, 14, 20, and 21 have been rejected under 35 U.S.C. §102 as being anticipated by Thompson et al. (U.S. Patent 6,282,552). This rejection is respectfully traversed.

The present invention is related to an advertising information system wherein a customer can be provided with personally modified advertisements of preferred products or services and also special reward features during on-line

shopping and communication. These modified advertisements can be provided for a customer and his or her friends. Specifically, referring to Figure 1 of the present disclosure, an Information Management Center 3, which is managed by a service provider, is constantly monitoring users' preferences and their contacts in accordance with which the general advertisement from Broadcasting Station System 2 can be modified for each user personally. Additionally, each customer is rewarded with special discounts and coupons for prevailing information about certain product and services among his or her friends. Broadcasting Station System 2, managed by an enterprise, performs customer information analysis for a user and his or her contact people. Customer information usually includes name, race, nationality, sex, address, age and occupation. Based on this customer information a general advertisement, generated by Broadcasting Station System 2, is modified for each customer and distributed via Network N. The general form advertisement is broadcast around using an artificial satellite S.

The patent to Thompson et al. discloses a method and a data processing server for customizing the data content of electronic documents that are transmitted through a network for review or processing by users. Specifically, Thomson et al. is focused on processing system for creating and distributing customizable electronic bills with nested levels of permission control. The system allows a user to view and make changes in electronic bills related only to his or her expenses.

Rejecting claims 1, 2, 13, 14, 20, and 21, the Examiner equates the system of Thomson et al. to the present invention. Applicant respectfully disagrees and points out to the Examiner that there are principal differences between these two systems. First of all, the claimed invention directly relates to advertising, wherein a customer is not involved, at least actively in customizing of distributed information. Second, according to the claimed invention very complex data about a customer and his contact is obtained and analyzed. In contrast, Thompson et al. shows only concern for a single issue, like for instance about phone charges, which can presented to users for reviewing. Furthermore, the claimed invention

uses two ways to distribute the information, namely a first transfer path (an artificial satellite) and a second transfer path (a network), whereas Thomson et al. teach a system wherein data is transmitted throughout a network only and is managed only by one owner. However, the present invention shows a Broadcasting Station which is managed by a broadcasting enterpriser X and an Information Management Center which is in management of a service provider Y which both correlate there information distribution to the same customers.

Based on the above argument and responding to the rejection, claims 1-2, 13 -14 and 20-21 have been amended to more clearly present all distinguishable features of the present invention.

Particularly, as amended claim 1 now recites, “*information providing means of delivering first information including a pre-determined program or advertisement via a first information transfer path and second information including additional information relating to said first information via a second information transfer path.” (Emphasis added)*

The reference to Thomson et al. does not show the first and second information delivered through two different transfer paths. However, the MPEP 2131 mandates that “TO ANTICIPATE A CLAIM THE REFERENCE MUST TEACH EVERY ELEMENT IN THE CLAIM”. Furthermore, the MPEP, citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1051, 1053 (Fed. Cir. 1987), states “[t]he identical invention must be shown in as completed detail as is contained in the... claim”. (Emphasis added)

Here, none of the structural limitations highlighted in Applicant’s claims above are taught or suggested by Thomson et al. It is therefore respectfully submitted that the rejections to the claims are improper under 35 U.S.C. §102 as Thompson et al. cannot anticipate the rejected claims since it does not “teach the identical invention”. Further, since the above limitations are not taught or suggested. Thompson et al. cannot be used to support a *prima facie* obviousness rejection under 35 U.S.C. §103. Based on the above discussion with the reference

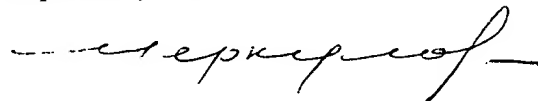
to the MPEP guidelines, it is respectfully requested that the rejection based on 35 U.S.C §102 be withdrawn.

This being the only rejection to claims 1, 2, 13-14, 20 and 21 and it is respectfully requested that these claims be allowed. In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1, 2, 13, 14, 20, and 21 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis, Christofferson & Cook, P.C.).

Respectfully submitted,



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